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**\* Corrected Copy**  
**Order 2001-5-26**  
**Served: June 5, 2001**



**UNITED STATES OF AMERICA**  
**DEPARTMENT OF TRANSPORTATION**  
**OFFICE OF THE SECRETARY**  
**WASHINGTON, DC**

Issued by the Department of Transportation  
on the 8<sup>th</sup> day of May, 2001

**Applications of**

**American Airlines, Inc.**

**Continental Airlines, Inc.**

**Express One International, Inc.**

**for certificates of public convenience and necessity  
under section 41102 of Title 49 U.S.C. and the orders  
and regulations of the Department of Transportation**

**Dockets**    **OST-2001-8910 - 6**  
                  **OST-2000-8515 - 3**  
                  **OST-95-297 - 7**

**OST-2001-8910**

**OST-2001-8823 - 2**

**ORDER ISSUING CERTIFICATES**

The captioned applicants seek grant, renewal, and/or amendment of certificates of public convenience and necessity under section 41102 of Title 49 of the United States Code. The applications are fully described in the attachments to this order. Because the public convenience and necessity bases for granting these applications are clear, and the applications are not controversial, it is appropriate to use this simplified, Subpart B procedure to grant the requested authority.<sup>1</sup>

*\*Order 2001-5-26 inadvertently contained errors in the route number assignment. This copy contains the corrected route numbers.*

<sup>1</sup> 14 CFR 302.212 *et seq.* Under Rule 33(b) we may, in our discretion, omit a tentative decision in proceedings under Subpart B and proceed directly to a final decision.

The applicants have filed and perfected each application as required by 14 CFR 201 and served it as required by 14 CFR 302.203(b). Each application was summarized in the Federal Register, as cited in the relevant descriptive attachment, and was also summarized in the Department's published weekly list of applications filed. These notices described the authority sought and gave interested persons an opportunity to submit evidence and objections to the award of the authority. Except as noted in individual attachments, no answers to these applications were filed.

#### Public Convenience and Necessity

Except as discussed below, we find that grant or amendment of these certificates is consistent with the public convenience and necessity. Where, as noted, the services authorized are the subject of a bilateral agreement, the certificate is consistent with the agreement and uses rights for which the United States has exchanged valuable operating rights. For authority which is not the subject of a bilateral agreement, the grant is consistent with the overall state of aviation relations between the United States and the foreign countries involved. All of the authority conferred here contributes to the variety of price and service options available to travelers and shippers.

Express One has requested authority to serve Vietnam, Venezuela, South Africa, Thailand, Ukraine, Brazil, Ecuador, France, and Saudi Arabia. As discussed below, we do not now find that approval would be consistent with the public convenience and necessity.

We are continuing to develop our relationship with Vietnam; however, we are not yet in a position to determine exactly when our efforts to permit the introduction of new direct services will reach fruition. Similarly, our aviation relationship with Venezuela is evolving. Because of this, over the past few years, it has been our practice to award new Venezuela authority by exemption and to defer consideration of certificate applications. Accordingly, we do not believe that granting certificate authority would be appropriate at this time. Thus, we have decided, consistent with our past practice on similar applications, to defer action on Express One's application for certificate authority to serve Vietnam and Venezuela.<sup>2</sup>

With respect to South Africa, Thailand, and Ukraine, the aviation agreements limit the number of frequencies that may be operated by U.S. carriers. Given the limited rights available, we believe that it is more appropriate to award authority for these services if and when a carrier has specific service plans. We will thus, dismiss Express One's application for these markets. Express One is free to reapply for this authority should it develop firm plans to serve these countries.

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<sup>2</sup> Orders 96-5-9 and 99-12-7.

Currently all-cargo services between the United States, on the one hand, and Brazil, Ecuador, France, and Saudi Arabia, on the other, are limited in terms of the number of U.S. carriers that may serve and/or the level of service that may be operated. There are currently no opportunities for additional U.S. carrier services in the Brazil, Ecuador, and Saudi Arabia markets, and we will dismiss Express One's application for them.<sup>3</sup> Additional opportunities are available to serve France and the Department has requested applications from carriers interested in using those opportunities. In this regard, it has been the Department's policy to grant U.S.-France authority by exemption, rather than by certificate. Accordingly, we will dismiss Express One's application for France certificate authority.

To the extent that Express One requested specific authority within the scope of a broader market, we decided to grant authority to serve the broader market, subject to compliance with the relevant bilateral agreement. For example, Express One requested authority to serve Tahiti, which is included in French Polynesia, and Curacao, Bonaire, and St. Martin, each of which is included in the Netherlands Antilles. We have also granted the broader authority to serve Ireland in lieu of Shannon, Ireland, only.

#### Fitness/Citizenship

Each applicant is a citizen of the United States as defined in 49 U.S.C. 40102(a)(15). Each is an operating certificated air carrier for which the authority at issue here would not constitute a substantial change in operations which would require further review by the Department. No information has come to our attention which leads us to question the fitness of the applicants to conduct air transportation operations. Therefore, on the basis of data officially noticeable under Rule 24(g) of the Department's regulations, we find each applicant is fit, willing and able to provide the services authorized.

#### Terms, Conditions and Limitations

Each certificate of public convenience and necessity is subject to the standard terms, conditions, and limitations we consistently impose in the public interest. Duration of certificate authority is determined by the nature of the routes at issue. Where routes may be served by multiple U.S. carriers, without restrictions on additional entrants, the certificates are of indefinite duration. Where limited-entry routes are involved, we issue temporary, experimental certificates of five years' duration under 49 U.S.C. 41102(c).<sup>4</sup> The certificates issued to American to serve Japan, Brazil, and Colombia, and Continental to serve Colombia are granted for a five-year term; the certificate issued to Express One to serve multiple countries is granted for an indefinite duration.

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<sup>3</sup> See Orders 2001-4-32 and 2000-10-19, and Notice of Action Taken dated September 8, 1998, respectively.

<sup>4</sup> 14 CFR Part 399.120.

### Pendente Lite Exemptions

For those services operated under current exemptions, those exemptions will expire in accordance with their own terms 90 days after we submit this order for review under 49 U.S.C. 41307. For those routes operated under expired exemptions and kept in force by 5 U.S.C. 558(c), the exemption renewal applications on file will be dismissed by separate order, following the effectiveness of the corresponding certificates of public convenience and necessity. The attachments cite the relevant currently held authority.

### Findings and Conclusions

In view of the foregoing and all the facts of record, we find and conclude that:

1. It is consistent with the public convenience and necessity to amend or issue each applicant a certificate in the form attached;
2. Each applicant is a citizen of the United States and is fit, willing and able to perform properly the foreign air transportation described in the attached certificate or certificate amendment and to conform to the provisions of Subtitle VII of Title 49, United States Code (Transportation), and to the Department's rules, regulations, and requirements;
3. The public interest requires that the exercise of the privileges granted by the attached certificates and certificate amendments be subject to the terms, conditions and limitations contained in and attached to those certificates and to such others required by the public interest as the Department may prescribe;
4. Except as otherwise noted in the attachments, the issuance of each of these certificates and certificate amendments does not constitute a "major regulatory action" under the Energy, Policy and Conservation Act of 1975, as defined by section 313.4(a)(1) of the Department's regulations;<sup>5</sup> and
5. The public interest does not require an oral evidentiary hearing or a show-cause proceeding on any of these applications. There are no material, determinative issues of fact requiring such procedures for their resolution.

ACCORDINGLY,

1. We amend or issue in the form attached, certificates of public convenience and necessity to the applicants listed in the caption of this order;

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<sup>5</sup> Our finding is based on the fact that grant of each application would not result in a near-term increase in annual fuel consumption in excess of 10 million gallons.

2. We renew, for an indefinite duration, the allocation of six weekly frequencies to American Airlines to conduct its San Jose-Tokyo operations. The allocation of frequencies is subject to the condition that any frequencies not used for a period of 90 days will revert automatically to the Department for reallocation;
3. We grant Continental an allocation of seven weekly frequencies to operate services in the New York/Newark-Cali/Medellin markets. The allocation of frequencies is effective immediately for services commencing no earlier than October 1, 2001, for New York/Newark-Cali service, and no earlier than October 1, 2002, for New York/Newark-Cali-Medellin service;
4. We grant American Airlines an allocation of seven weekly frequencies to operate services in the Miami-Medellin market. The allocation of frequencies is effective immediately for services commencing no earlier than October 1, 2002;
5. The U.S.-Colombia frequencies allocated in ordering paragraphs 3 and 4 above are subject to the condition that any frequencies not used for a period of 90 days (after they become available on October 1, 2001, and October 2, 2002, respectively) will revert automatically to the Department for reallocation;
6. We defer action on Express One's application to the extent that it seeks authority to serve Vietnam and Venezuela;
7. We dismiss Express One's application to the extent that it seeks authority to serve Brazil, Ecuador, Saudi Arabia, South Africa, France, Thailand, and Ukraine;
8. To the extent not granted, dismissed or deferred, we deny all motions and requests in these dockets;
9. We grant all motions for leave to file otherwise unauthorized documents in the captioned dockets;
10. We will not entertain petitions for reconsideration of this order;<sup>6</sup>
11. Unless disapproved by the President of the United States under 49 U.S.C. 41307, this order and the attached certificates and certificate amendments shall become effective upon the 61st day after its submission for section 41307 review, or upon the date of receipt of advice from the President or his designee under Executive Order 12597 and implementing regulations that he or she does not intend to disapprove the Department's order under that section, whichever occurs earlier;<sup>7</sup> and

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<sup>6</sup> All parties have had a full opportunity to comment on the applications filed. In each case, no objections were filed to the applications for the new or amended certificate authority included in this order.

12. We will serve this order on the parties to the captioned dockets of this order, the Ambassador in Washington, DC of each country that the applicants seek authority to serve, the U.S. Department of State (Office of Aviation Negotiations), and the Federal Aviation Administration.

By:

**SUSAN MCDERMOTT**  
Deputy Assistant Secretary for Aviation  
and International Affairs

(SEAL)

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<sup>7</sup> This order was submitted for section 41307 review on May 8, 2001. On May 18, we received notification that the President's designee under Executive Order 12597 and implementing regulations did not intend to disapprove the Department's order.

American Airlines, Inc.

New Certificate of Public Convenience and Necessity

**Filed:** March 2, 2001    **Docket:** OST-2001-8910    **Notice:** 66 FR (14977) 3/14/01

- I. Background:** Last year the United States and Colombia reached an agreement and adopted amendments to the 1956 U.S.-Colombia Air Transport Agreement that provide for an expansion in the number of combination flights U.S. carriers may operate over a three-year period.<sup>1</sup> By Notice dated February 16, 2001, the Department invited applications from U.S. carriers interested in using the seven weekly frequencies that become available on October 1, 2001, and the seven weekly frequencies that become available on October 1, 2002. Continental Airlines is the only carrier that applied for the October 2001 route authority. American is the only carrier that applied for the October 2002 route opportunity.<sup>2</sup>
- II. Authority Sought:** Scheduled foreign air transportation of persons, property, and mail between Miami, Florida and Medellin, Colombia, and to integrate this authority with its existing certificate and exemption authority. American also requests the allocation of seven weekly frequencies to operate this service.
- III. Relevant Currently Held Authority:** American currently holds certificate authority on Route 389 for service between Miami, on the one hand, and Bogota, Barranquilla, and Cali, Colombia, on the other. (See Order 92-6-21.)
- IV. Pleadings:** Continental filed an answer supporting American's application.
- V. Public Convenience and Necessity:** The authority granted is consistent with the aviation agreement between the United States and Colombia.

Consistent with our standard practice to afford carriers the maximum operating flexibility possible, we will also grant American the authority to integrate the requested Miami-Medellin authority with its existing certificate and exemption authority. The route integration authority granted is subject to the provisions of the aviation agreements between the United States and the foreign countries involved, and with our standard condition regarding route integration in limited-entry markets.

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<sup>1</sup> The understanding and amendments have entered into force through a November 27, 2000 Exchange of Notes. We awarded Delta Air Lines certificate authority and allocated it seven weekly frequencies for U.S.-Colombia service using the opportunity that became available March 15, 2000.

<sup>2</sup> Under the terms of the 2000 aviation agreement, U.S. carriers may provide services between any point or points in the United States and Barranquilla, Bogota, Cali, Cartagena, and Medellin. Air services to, from, and beyond Medellin are not effective until October 1, 2002.

- VI. **Fitness/Citizenship:** American Airlines has previously been found to be a citizen of the United States and fit, willing and able to provide scheduled foreign air transportation of persons, property, and mail as a certificated air carrier under section 41102 of Title 49 U.S.C. See, e.g., Order 2000-5-31. The foreign air transportation authorized does not constitute a substantial change in operations under Part 204 of the Department's regulations. Moreover, no information has come to our attention which would lead us to question American's fitness to conduct the air transportation operations authorized here.
- VII. **Terms, Conditions and Limitations:** Standard. We will issue American a new certificate to grant the requested authority. The authority will be effective for operations beginning no earlier than October 1, 2002. We have also allocated American seven weekly frequencies for this service, subject to our standard 90-day dormancy condition.<sup>3</sup>
- VIII. **Duration:** Five years. 49 U.S.C. §41102(c).

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<sup>3</sup> See Ordering paragraph 4 of the main body of this order. As the route rights are not available until October 1, 2002, the 90-day dormancy period will begin October 1, 2002.



**Experimental Certificate of Public  
Convenience and Necessity  
for**

**Route 804**

**This Certifies That**

**American Airlines, Inc.**

**is authorized, subject to the provisions of Subtitle VII of Title 49 of United States Code, the orders, rules, and regulations issued thereunder, and the attached Terms, Conditions, and Limitations, to engage in foreign air transportation of persons, property, and mail.**

**This Certificate is not transferable without the approval of the Department of Transportation.**

**By Direction of the Secretary**

**Issued by Order 2001-5-26  
On May 8, 2001  
Effective on May 18, 2001**

**Susan McDermott  
Deputy Assistant Secretary for  
Aviation and International Affairs**

Terms, Conditions and Limitations

American Airlines, Inc. for **Route 804**

is authorized to engage in foreign air transportation of persons, property, and mail:

Between the terminal point Miami, Florida, and the terminal point Medellin, Colombia.

The authority is subject to the following conditions:

- (1) The holder shall at all times conduct its operations in accordance with the regulations prescribed by the Department of Transportation for the services authorized by this certificate, and with such other reasonable terms, conditions, and limitations as the Department of Transportation may prescribe in the public interest.
- (2) The holder shall at all times conduct its operations in accordance with all treaties and agreements between the United States and other countries, and the exercise of the privileges granted by this certificate is subject to compliance with such treaties and agreements and with any order of the Department of Transportation issued under them. To the extent that the holder has authority to serve more than one country or points in more than one country on the same route segment, that authority does not confer upon the holder any additional rights (including fifth-freedom intermediate and/or beyond rights) in limited-entry markets unless the Department has completed any necessary carrier selection procedures to determine which carrier(s) should be authorized to exercise such rights and has notified the foreign country(ies) involved that any such selected carrier(s) has the required authority. In such cases, the fact that the carrier may hold authority to serve the countries (points) at issue on the same segment will not be considered as providing any preference to the holder in a carrier selection proceeding.
- (3) The exercise of the authority granted here is subject to the holder's first obtaining from the appropriate foreign governments such operating rights as may be necessary.
- (4) The holder acknowledges that this certificate is granted to determine if the holder's projected services, efficiencies, methods, rates, fares, charges, and other projected results will, in fact, materialize and remain for a sustained period of time, and to determine whether the holder will provide the innovative and low-priced air transportation it proposed in its application for this authority.

- (5) The holder's authority is effective only to the extent that such operations are also authorized by the Federal Aviation Administration (FAA), and comply with all FAA requirements concerning security.
- (6) The holder shall at all times remain a "Citizen of the United States" as required by 49 U.S. C. 40102(a)(15).
- (7) The holder shall maintain in effect liability insurance coverage as required under 14 CFR Part 205. Failure to maintain such insurance coverage will render a certificate ineffective, and this or other failure to comply with the provisions of Subtitle VII of 49 U.S.C. or the Department's regulations shall be sufficient grounds to revoke this certificate.
- (8) Should the holder propose any substantial changes in its ownership, management, or operations (as that term is defined in 14 CFR 204.2(n), it must first comply with the requirements of 14 CFR 204.5.
- (9) In the event that the holder ceases all operations for which it was found "fit, willing, and able," its authority under this certificate shall be suspended under the terms of 14 CFR 204.7 and the holder may neither recommence nor advertise such operations unless its fitness to do so has been redetermined by the Department. Moreover, if the holder does not resume operations within one year of its cessation, its authority shall be revoked for dormancy.
- (10) The holder may combine services authorized by this certificate with all services authorized by other Department of Transportation certificates or exemptions; provided that such operations are in compliance with the provisions of all applicable bilateral aviation agreements, and provided further that (a) nothing in the award of the route integration authority requested should be construed as conferring upon the holder additional rights (including fifth-freedom intermediate and/or beyond rights) to serve markets where U.S. carrier entry is limited unless the holder first notifies us of its intent to serve such a market and unless and until the Department has completed any necessary carrier selection procedures to determine which carrier(s) should be authorized to exercise such rights; and (b) should there be a request by any carrier to use the limited-entry route rights that are included in this certificate by virtue of the route integration authority granted here, but not being used, the holding of such authority by route integration will not be construed as providing any preference for the holder in a competitive carrier selection proceeding to determine which carrier(s) should be entitled to use the authority at issue.

\*As issued by  
Order 2001-5-26  
Route 804  
Page 3 of 3

This certificate shall become effective May 18, 2001, for services commencing no earlier than October 1, 2002 . It shall expire May 18, 2006; unless the Department earlier suspends, modifies or deletes the authority.

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\*This certificate is issued to reflect the award of new authority in the Miami-Medellin market. It incorporates standard terms and conditions applicable to U.S. carriers. American was also allocated seven weekly frequencies, indefinitely, for services commencing no earlier than October 1, 2002. See ordering paragraph 4 of the order issuing this certificate (Order 2001-5-26 ).

American Airlines, Inc.

Renewal of Certificate for **Route 583**

**Filed:** December 11, 2000    **Docket:** OST-2000-8515    **Notice:** 66 FR (8144-8145) 1/29/01

- I.    **Authority Sought:** Scheduled foreign air transportation of persons, property, and mail between San Jose, California, and Tokyo, Japan. Indefinite renewal of the allocation by which American received six weekly frequencies to serve the San Jose-Tokyo market.
- II.    **Relevant Currently Held Authority:** American holds certificate authority on Route 583 to serve the above route. It also holds allocations totalling seven weekly frequencies to operate the service. Orders 96-5-9 and 98-5-17.<sup>1</sup> Under the terms of the certificate, American's authority will expire on June 12, 2001. American currently operates daily nonstop service between San Jose and Tokyo. American filed a timely application for renewal of its certificate authority.
- III.    **Pleadings:** No answers were filed.
- IV.    **Public Convenience and Necessity:** The authority granted is consistent with the aviation agreement between the United States and Japan.
- V.    **Fitness/Citizenship:** American has previously been found to be a citizen of the United States and fit, willing, and able to provide scheduled foreign air transportation of persons, property, and mail as a certificated air carrier under section 41102 of Title 49 U.S.C. See, e.g., Order 2000-5-31. The foreign air transportation authorized here does not constitute a substantial change in operations under Part 204 of the Department's regulations, warranting further review by the Department. Moreover, no information has come to our attention which would lead us to question American's fitness to conduct the air transportation operations authorized here.
- VI.    **Terms, Conditions and Limitations:** Standard. We will reissue American's certificate for Route 583 to reflect renewal of the authority for another five years and to delete obsolete terms and conditions since the certificate was last issued.<sup>2</sup> Consistent with our standard practice, we have also renewed American's frequency allocation for this service for an indefinite duration, subject to our standard dormancy condition.

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<sup>1</sup>American separately holds an allocation of one weekly frequency to serve the market granted by Order 98-5-17. That frequency allocation was granted for an indefinite duration. American here is requesting renewal, for an indefinite duration, of its six frequencies originally granted by Order 90-10-15 and renewed by Order 96-5-9.

<sup>2</sup> The frequency allocation renewal is set forth in ordering paragraph 2 of the main body of this order.

**VII. Duration:** Five years. 49 U.S.C. §41102(c).



**Experimental Certificate of Public  
Convenience and Necessity  
for**

**Route 583  
(as reissued)**

**This Certifies That**

**American Airlines, Inc.**

**is authorized, subject to the provisions of Subtitle VII of Title 49 of United States Code, the orders, rules, and regulations issued thereunder, and the attached Terms, Conditions, and Limitations, to engage in foreign air transportation of persons, property, and mail.**

**This Certificate is not transferable without the approval of the Department of Transportation.**

**By Direction of the Secretary**

**Issued by Order 2001-5-26  
On May 8, 2001  
Effective on May 18, 2001**

**Susan McDermott  
Deputy Assistant Secretary for  
Aviation and International Affairs**

Terms, Conditions and Limitations

American Airlines, Inc. for **Route 583**

is authorized to engage in foreign air transportation of persons, property, and mail:

Between the terminal point San Jose, California, and the terminal point  
Tokyo, Japan.

The authority is subject to the following conditions:

- (1) The holder shall at all times conduct its operations in accordance with the regulations prescribed by the Department of Transportation for the services authorized by this certificate, and with such other reasonable terms, conditions, and limitations as the Department of Transportation may prescribe in the public interest.
- (2) The holder shall at all times conduct its operations in accordance with all treaties and agreements between the United States and other countries, and the exercise of the privileges granted by this certificate is subject to compliance with such treaties and agreements and with any order of the Department of Transportation issued under them. To the extent that the holder has authority to serve more than one country or points in more than one country on the same route segment, that authority does not confer upon the holder any additional rights (including fifth-freedom intermediate and/or beyond rights) in limited-entry markets unless the Department has completed any necessary carrier selection procedures to determine which carrier(s) should be authorized to exercise such rights and has notified the foreign country(ies) involved that any such selected carrier(s) has the required authority. In such cases, the fact that the carrier may hold authority to serve the countries (points) at issue on the same segment will not be considered as providing any preference to the holder in a carrier selection proceeding.
- (3) The exercise of the authority granted here is subject to the holder's first obtaining from the appropriate foreign governments such operating rights as may be necessary.
- (4) The holder acknowledges that this certificate is granted to determine if the holder's projected services, efficiencies, methods, rates, fares, charges, and other projected results will, in fact, materialize and remain for a sustained period of time, and to determine whether the holder will provide the innovative and low-priced air transportation it proposed in its application for this authority.

- (5) The holder's authority is effective only to the extent that such operations are also authorized by the Federal Aviation Administration (FAA), and comply with all FAA requirements concerning security.
- (6) The holder shall at all times remain a "Citizen of the United States" as required by 49 U.S.C. 40102(a)(15).
- (7) The holder shall maintain in effect liability insurance coverage as required under 14 CFR Part 205. Failure to maintain such insurance coverage will render a certificate ineffective, and this or other failure to comply with the provisions of Subtitle VII of 49 U.S.C. or the Department's regulations shall be sufficient grounds to revoke this certificate.
- (8) Should the holder propose any substantial changes in its ownership, management, or operations (as that term is defined in 14 CFR 204.2(n), it must first comply with the requirements of 14 CFR 204.5.
- (9) In the event that the holder ceases all operations for which it was found "fit, willing, and able," its authority under this certificate shall be suspended under the terms of 14 CFR 204.7 and the holder may neither recommence nor advertise such operations unless its fitness to do so has been redetermined by the Department. Moreover, if the holder does not resume operations within one year of its cessation, its authority shall be revoked for dormancy.

This certificate shall become effective May 18, 2001. It shall expire May 18, 2006, unless the Department earlier suspends, modifies or deletes the authority.

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\*This certificate, issued by Order 90-10-15 and reissued by Order 96-5-9, is further reissued to reflect renewal of authority in the San Jose-Tokyo market for an additional five years. It incorporates new standard terms and conditions applicable to U.S. carriers and deletes obsolete terms and conditions. We also renewed, for an indefinite duration, American's allocation of six weekly frequencies to conduct its San Jose-Tokyo operations. See ordering paragraph 2 of the order reissuing this certificate (Order 2001-5-26).

American Airlines, Inc.

Renewal of Certificate for **Route 389**

**Filed:** December 11, 2000    **Docket:** OST-95-297    **Notice:** 66 FR (8144-8145) 1/29/01

- I.    **Authority Sought:** Renew segment 4 of Route 389 to provide scheduled foreign air transportation of persons, property, and mail between the coterminal points New York, New York/Newark, New Jersey, and Miami Florida, and the coterminal points Rio de Janeiro and Sao Paulo, Brazil. American also urges the Department to act on its two pending applications in Dockets OST-95-497 (48301) and OST-95-552 (48343) for broad U.S.-Brazil authority.<sup>1</sup>
- II.   **Relevant Currently Held Authorities:** American holds certificate authority on segment 4 of Route 389 to serve the above market. Order 96-5-9. Under the terms of the certificate American's authority will expire June 12, 2001. American operates daily nonstop service in the New York-Rio de Janeiro and New York-Sao Paulo markets, twice daily nonstop service in the Miami-Sao Paulo market, and 11 weekly nonstop flights in the Miami-Rio de Janeiro market. American filed a timely application for renewal of its certificate authority.
- III. **Pleadings:** Continental filed an answer to American's application. Continental does not object to American's application to renew its New York/Miami-Rio de Janeiro/Sao Paulo certificate authority but urges the Department not to grant American's other two applications for broad U.S.-Brazil certificate authority unless all U.S. carriers designated for Brazil receive the same broad route authority and the same frequency flexibility.
- IV.   **Public Convenience and Necessity:** The authority requested is consistent with the aviation agreement between the United States and Brazil.
- V.    **Fitness and Citizenship:** American has previously been found to be a citizen of the United States and fit, willing, and able to provide scheduled foreign air transportation of persons, property, and mail as a certificated air carrier under section 41102 of Title 49 U.S.C. See, e.g., Order 2000-5-31. The foreign air transportation authorized here does not constitute a substantial change in operations under Part 204 of the Department's regulations, warranting further review by the Department. Moreover, no information has come to our attention which would lead us to question American's fitness to conduct the air transportation operations authorized here.

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<sup>1</sup>See American's application at 3-4, footnote 1.

- VI. **Terms, Conditions and Limitations:** Standard. We will amend condition (10) of Route 389 to reflect renewal of American's authority on segment 4 for an additional five years. We will address American's pending applications in Dockets OST-95-497 and OST-95-552 separately.
- VII. **Duration:** Five years. 49 U.S.C. §41102(c).

\*As amended by  
Order 2001-5-26  
Route 389  
Page 1 of 1

**American Airlines, Inc. for Route 389**

Amend condition (10) to read as follows:

(10) The authority to serve between New York, New York/Newark, New Jersey, and Miami, Florida, on the one hand, and Rio de Janeiro and Sao Paulo, Brazil, on the other, shall expire May 18, 2006, unless the Department earlier suspends, modifies, or deletes the authority.

This certificate amendment shall become effective May 18, 2001.

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\*This certificate, issued by Order 90-5-5 and amended by Orders 90-12-12 and 96-5-9, is further amended to reflect renewal of the carrier's authority on segment 4 for an additional five years.

Continental Airlines, Inc.

New Certificate of Public Convenience and Necessity

**Filed:** March 2, 2001      **Docket:** OST-2001-8910      **Notice:** 66 FR (14977) 3/14/01

- I. **Background:** Last year the United States and Colombia reached an agreement and adopted amendments to the 1956 U.S.-Colombia Air Transport Agreement that provide for an expansion in the number of combination flights U.S. carriers may operate over a three-year period.<sup>1</sup> By Notice dated February 16, 2001, the Department invited applications from U.S. carriers interested in using the seven weekly frequencies that become available on October 1, 2001, and the seven weekly frequencies that become available on October 1, 2002. Continental is the only carrier that applied for the October 2001 route opportunity. American is the only carrier that applied for the October 2002 route opportunity.<sup>2</sup>
- II. **Authority Sought:** Scheduled foreign air transportation of persons, property and mail between New York/Newark, New Jersey, and Cali and Medellin, Colombia, and to integrate this authority with its existing certificate and exemption authority. Continental also requests the allocation of seven weekly frequencies to operate this service.
- III. **Relevant Currently Held Authority:** Continental currently holds certificate authority in the Newark-Bogota market on Route 682 and in the Houston-Bogota market on Route 645. (See Orders 95-12-26 and 96-10-44, respectively.)
- IV. **Pleadings:** American filed an answer stating that the Department should grant the applications of American and Continental since they are the only carriers each seeking seven of the 14 available frequencies.
- V. **Public Convenience and Necessity:** The authority granted is consistent with the aviation agreement between the United States and Colombia.

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<sup>1</sup> The understanding and amendments have entered into force through a November 27, 2000 Exchange of Notes. We awarded Delta Air Lines certificate authority and allocated it seven weekly frequencies for U.S.-Colombia service using the opportunity that became available on March 15, 2000.

<sup>2</sup> Under the terms of the new aviation agreement, U.S. carriers may provide services between any point or points in the United States and Barranquilla, Bogota, Cali, Cartagena, and Medellin. Air services to, from, and beyond Medellin are not effective until October 1, 2002.

Consistent with our standard practice to afford carriers the maximum operating flexibility possible, we will also grant Continental the authority to integrate the above authority with its existing certificate and exemption authority. The route integration authority granted is subject to the provisions of the aviation agreements between the United States and the foreign countries involved, and with our standard condition regarding integration in limited-entry markets.

- VI. Fitness/Citizenship:** Continental Airlines has previously been found to be a citizen of the United States and fit, willing and able to provide scheduled foreign air transportation of persons, property, and mail as a certificated air carrier under section 41102 of Title 49 U.S.C. See, e.g., Order 2000-8-19. The foreign air transportation authorized does not constitute a substantial change in operations under Part 204 of the Department's regulations. Moreover, no information has come to our attention which would lead us to question Continental's fitness to conduct the air transportation operations authorized here.
- VII. Terms, Conditions and Limitations:** Standard. We will issue Continental a new certificate to grant the requested authority. The authority will be effective for operations beginning no earlier than October 1, 2001. We have also allocated Continental seven weekly frequencies for this service, subject to our standard 90-day dormancy condition.<sup>3</sup>
- VIII. Duration:** Five years. 49 U.S.C. §41102(c).

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<sup>3</sup> The frequency allocation is set forth in ordering paragraph 3 of the main body of this order. As the route rights are not available until October 1, 2001, the 90-day dormancy period will begin October 1, 2001.



**Experimental Certificate of Public  
Convenience and Necessity  
for**

**Route 805**

**This Certifies That**

**Continental Airlines, Inc.**

**is authorized, subject to the provisions of Subtitle VII of Title 49 of United States Code, the orders, rules, and regulations issued thereunder, and the attached Terms, Conditions, and Limitations, to engage in foreign air transportation of persons, property, and mail.**

**This Certificate is not transferable without the approval of the Department of Transportation.**

**By Direction of the Secretary**

**Issued by Order 2001-5-26  
On May 8, 2001  
Effective on May 18, 2001**

**Susan McDermott  
Deputy Assistant Secretary for  
Aviation and International Affairs**

Terms, Conditions and Limitations

Continental Airlines, Inc. For **Route 805**

is authorized to engage in foreign air transportation of persons, property, and mail:

Between the coterminal points New York, New York/Newark, New Jersey, and  
the coterminal points Cali and Medellin, Colombia.

The authority is subject to the following conditions:

- (1) The holder shall at all times conduct its operations in accordance with the regulations prescribed by the Department of Transportation for the services authorized by this certificate and with such other reasonable terms, conditions, and limitations as the Department of Transportation may prescribe in the public interest.
- (2) The holder shall at all times conduct its operations in accordance with all treaties and agreements between the United States and other countries, and the exercise of the privileges granted by this certificate is subject to compliance with such treaties and agreements and with any order of the Department of Transportation issued under them. To the extent that the holder has authority to serve more than one country or points in more than one country on the same route segment, that authority does not confer upon the holder any additional rights (including fifth-freedom intermediate and/or beyond rights) in limited-entry markets unless the Department has completed any necessary carrier selection procedures to determine which carrier(s) should be authorized to exercise such rights and has notified the foreign country(ies) involved that any such selected carrier(s) has the required authority. In such cases, the fact that the carrier may hold authority to serve the countries (points) at issue on the same segment will not be considered as providing any preference to the holder in a carrier selection proceeding.
- (3) The exercise of the authority granted here is subject to the holder's first obtaining from the appropriate foreign governments such operating rights as may be necessary.
- (4) The holder acknowledges that this certificate is granted to determine if the holder's projected services, efficiencies, methods, rates, fares, charges, and other projected results will, in fact, materialize and remain for a sustained period of time, and to determine whether the holder will provide the innovative and low-priced air transportation it proposed in its application for this authority.

- (5) The holder's authority is effective only to the extent that such operations are also authorized by the Federal Aviation Administration (FAA), and comply with all FAA requirements concerning security.
- (6) The holder shall at all times remain a "Citizen of the United States" as required by 49 U.S.C. 40102(a)(15).
- (7) The holder shall maintain in effect liability insurance coverage as required under 14 CFR Part 205. Failure to maintain such insurance coverage will render a certificate ineffective, and this or other failure to comply with the provisions of Subtitle VII of 49 U.S.C. or the Department's regulations shall be sufficient grounds to revoke this certificate.
- (8) Should the holder propose any substantial changes in its ownership, management, or operations (as that term is defined in 14 CFR 204.2(n), it must first comply with the requirements of 14 CFR 204.5.
- (9) In the event that the holder ceases all operations for which it was found "fit, willing, and able," its authority under this certificate shall be suspended under the terms of 14 CFR 204.7 and the holder may neither recommence nor advertise such operations unless its fitness to do so has been redetermined by the Department. Moreover, if the holder does not resume operations within one year of its cessation, its authority shall be revoked for dormancy.
- (10) The holder may combine services authorized by this certificate with all services authorized by other Department of Transportation certificates or exemptions; provided that such operations are in compliance with the provisions of all applicable bilateral aviation agreements, and provided further that (a) nothing in the award of the route integration authority requested should be construed as conferring upon the holder additional rights (including fifth-freedom intermediate and/or beyond rights) to serve markets where U.S. carrier entry is limited unless the holder first notifies us of its intent to serve such a market and unless and until the Department has completed any necessary carrier selection procedures to determine which carrier(s) should be authorized to exercise such rights; and (b) should there be a request by any carrier to use the limited-entry route rights that are included in this certificate by virtue of the route integration authority granted here, but not being used, the holding of such authority by route integration will not be construed as providing any preference for the holder in a competitive carrier selection proceeding to determine which carrier(s) should be entitled to use the authority at issue.

\*As issued by  
Order 2001-5-26  
Route 805  
Page 3 of 3

This certificate shall become effective May 18, 2001, for services commencing no earlier than October 1, 2001, for Cali service and no earlier than October 1, 2002 for Medellin service. It shall expire May 18, 2006; unless the Department earlier suspends, modifies or deletes the authority.

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\*This certificate is issued to reflect the award of new authority in the New York/Newark-Cali/Medellin markets. It incorporates standard terms and conditions applicable to U.S. carriers. Continental was also allocated seven weekly frequencies for these services commencing no earlier than October 1, 2001, for Cali and no earlier than October 1, 2002, for Medellin. See ordering paragraph 3 of this order.

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Express One International, Inc.

New Certificate of Public Convenience and Necessity  
for **Route 806**

**Filed:** January 30, 2001    **Docket:** OST-2001-8823    **Notice:** 66 FR (11089) 2/21/01

- I. Authority Sought:** Scheduled foreign air transportation of property and mail between any point or points in the United States and any point or territory or possession in the United States and any point or points in the following countries, and to integrate this authority with its existing certificate authority on Route 650:

Albania	Burma	Equatorial Guinea
Algeria	Burundi	Eritrea
Angola	Cambodia	Estonia
Antigua & Barbuda	Cameroon	Ethiopia
Anguilla	Canada	Fiji
Argentina	Cape Verde	Finland
Armenia	Cayman Islands	France
Aruba	Central African Republic	French Caribbean
Australia	Chad	French Guiana
Austria	Chile	French Polynesia
Azerbaijan	Colombia	Gabon
Bahamas	Comoros	Gambia, The
Bahrain	Congo, Democratic	Georgia
Bangladesh	Republic of the*	Germany
Barbados	Congo, Republic of the	Ghana
Belarus	Cook Islands	Greece
Belgium	Costa Rica	Grenada
Belize	Côte d'Ivoire	Guadeloupe
Benin	Croatia	Guatemala
Bermuda	Curacao	Guinea
Bhutan	Cyprus	Guinea-Bissau
Bolivia	Czech Republic	Guyana
Bonaire	Denmark	Haiti
Bosnia & Herzegovina	Djibouti	Honduras
Botswana	Dominica	Hong Kong
Brazil	Dominican Republic	Hungary
Brunei Darussalam	Ecuador	Iceland
Bulgaria	Egypt	India
Burkina Faso	El Salvador	Indonesia

\*Formerly Zaire

VII. **Terms, Conditions and Limitations:** Standard.

VIII. **Duration:** Indefinite.



# **Certificate of Public Convenience and Necessity for**

**Route 806**

**This Certifies That**

**Express One International, Inc.**

**is authorized, subject to the provisions of Subtitle VII of Title 49 of United States Code, the orders, rules, and regulations issued thereunder, and the attached Terms, Conditions, and Limitations, to engage in foreign air transportation of property and mail.**

**This Certificate is not transferable without the approval of the Department of Transportation.**

**By Direction of the Secretary**

**Issued by Order 2001-5-26  
On May 8, 2001  
Effective on May 18, 2001**

**Susan McDermott  
Deputy Assistant Secretary for  
Aviation and International Affairs**

Terms, Conditions and Limitations

Express One International for **Route 806**

is authorized to engage in scheduled foreign air transportation of property and mail:

Between a point or points in the United States and

Albania	Cayman Islands	Germany
Algeria	Central African Republic	Ghana
Angola	Chad	Greece
Antigua & Barbuda	Chile	Grenada
Anguilla	Colombia	Guadeloupe
Argentina	Comoros	Guatemala
Armenia	Congo, Democratic	Guinea
Aruba	Republic of the**	Guinea-Bissau
Australia	Congo, Republic of the	Guyana
Austria	Cook Islands	Haiti
Azerbaijan	Costa Rica	Honduras
Bahamas	Côte d'Ivoire	Hong Kong
Bahrain	Croatia	Hungary
Bangladesh	Cyprus	Iceland
Barbados	Czech Republic	India
Belarus	Denmark	Indonesia
Belgium	Djibouti	Ireland
Belize	Dominica	Israel
Benin	Dominican Republic	Italy
Bermuda	Egypt	Jamaica
Bhutan	El Salvador	Jordan
Bolivia	Equatorial Guinea	Kazakhstan
Bosnia & Herzegovina	Eritrea	Kenya
Botswana	Estonia	Kiribati
Brunei Darussalam	Ethiopia	Korea, Republic of
Bulgaria	Fiji	Kuwait
Burkina Faso	Finland	Kyrgyzstan
Burundi	French Guiana	Laos
Cambodia	French Polynesia	Latvia
Cameroon	Gabon	Lesotho
Canada	Gambia, The	Liberia
Cape Verde	Georgia	Lithuania
		Luxembourg

\*\*Formerly Zaire

Macau  
Macedonia  
Madagascar  
Malawi  
Malaysia  
Maldives  
Mali  
Malta  
Marshall Islands  
Martinique  
Mauritius  
Micronesia, Federated  
States of  
Moldova  
Mongolia  
Montserrat  
Morocco  
Mozambique  
Myanmar  
Namibia  
Nauru  
Nepal  
Netherlands  
Netherlands Antilles  
New Caledonia  
New Zealand  
Nicaragua  
Niger  
Nigeria  
Niue  
Norway  
Oman  
Pakistan  
Palau  
Panama  
Papua New Guinea  
Paraguay  
Peru

Pitcairn Islands  
Poland  
Portugal  
Qatar  
Romania  
Rwanda  
Samoa  
Sao Tome & Principe  
Senegal  
Serbia-Montenegro  
Seychelles  
Sierra Leone  
Singapore  
Slovakia  
Slovenia  
Solomon Islands  
Somalia  
Spain  
Sri Lanka  
St. Barthelemy  
St. Kitts & Nevis  
St. Lucia  
St. Vincent & Grenadines  
Suriname  
Swaziland  
Sweden  
Switzerland  
Taiwan  
Tajikistan  
Tanzania  
Togo  
Tonga  
Trinidad & Tobago  
Tunisia  
Turkey  
Turkmenistan  
Turks and Caicos  
Tuvalu

Uganda  
United Arab Emirates  
United Kingdom  
Uruguay  
Uzbekistan  
Vanuatu  
Virgin Islands (U.K.)  
Wallis/Futuna Islands  
Yemen  
Zambia  
Zimbabwe

\*As issued by  
Order 2001-5-26  
Route 806  
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This certificate shall be come effective May 18, 2001.

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\*This certificate, is reissued to reflect award of new authority in numerous foreign markets. It also incorporates standard terms and conditions applicable to U.S. carriers.

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